

Atty. Docket No. GB920000092US1
(590.169)

REMARKS

Please note that since February 25, 2006, was a Saturday this submission is being timely filed on February 27, 2006, the next business day. It should also be noted, a Request for Continued Examination is being filed herewith in order to further advance the prosecution of the application

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner.

Claims 1 - 56 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 20, and 39 are independent claims; the remaining claims are dependent claims. All of the Claims currently stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sen et al., U.S. Patent No. 6,845,389 B1. The independent claims have been amended to recite, *inter alia*, an "indicator indicating a first quality of service, comprising the level of recovery support...". (Claims 1, 20, 39) Applicants intend no change in the scope of the claims made by the changes made by this amendment. It should be noted this amendment is not in acquiescence of the Office's position on the allowability of the claims, but merely to expedite prosecution.

The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Applicants have provided a thorough analysis of many of the important distinctions between the present invention as set forth in the claims and the cited prior art;

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therefore, the Applicants' remarks as set forth in the Applicants' Amendment After Final, dated December 5, 2005, are hereby incorporated by reference as if they were fully set forth herein.

To briefly summarize the previous remarks, the prior art reference Sen is directed towards providing multi-user communication over a network. In the embodiment cited by the Office, (Col. 5-6), it appears that a first player sends a communication invite request to a second player, which includes the first player's QoS information. In response, the second player determines its QoS requirements and whether the resources are available for the second player at its "access network". (Col. 6, lines 19-22) The second player's QoS information is then transmitted to the first player's network. (Col. 6, lines 14-18) Upon receipt of the second player's QoS requirements the first player's network determines whether it has resources available as required by the second player's QoS information and if so the resources are reserved and the players admitted. (Col. 6, lines 23-29) (*Abstract* "The resource availability in access networks of the first and second users according to the second user's QoS requirements is determined, and resources in the respective access networks of the first and second users are then reserved in response to resources being available to achieve the second user's QoS requirements.") After the resources capable of supporting the QoS requirements of the second player are reserved in both networks an acknowledgement is sent from the first player to the second player indicating a completed QoS provisioning. (Col. 6, lines 33-34)

Unlike Sen, in the present invention each member of a possible coordinated pair, i.e., the resource and the coordinator, requests the other's QoS information for their own

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use in determining whether a pair will be established. In Sen a first user sends its request/invite to a second user; the second user's QoS then sets the requirements for communication for both users. In other words Sen fails to provide for a process of mutual agreement, because ultimately in the Sen invention only one user's QoS information serves as the basis for a subsequently established communication between users. Requests for QoS information are not made by each user in Sen and, moreover, QoS information in response to such requests is not used by each user in order to make an independent decision whether to establish a paring. Sen fails to teach, disclose, or suggest the present invention and is therefore immediately allowable.

In response to the Applicants previous remarks the Examiner indicated, the claim limitations require requesting an 'indicator' indicating support for a particular quality of service, which reads more broadly than asserted in the Remarks." (Advisory Action) As indicated above, the amended independent claims provide, *inter alia*, first and second indicators indicating a first and second qualities of service, "comprising the level of recovery support." As best understood, Sen appears at most to reserve resources, which is clearly not the recovery support QoS indicator of the presently claimed invention. Sen fails to teach, disclose, or even suggest the presently claimed invention's "recovery support" QoS indicator and, therefore, the present invention is not anticipated by Sen. Likewise, for all of the reasons set forth in the Applicants' previous remarks, incorporated by reference above, Applicants respectfully submit the other clamed limitations of the present invention are simply not taught by Sen as well.

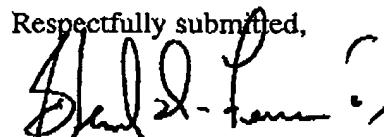
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Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction.” W.L. Gore & Associates, Inc. v. Garlock, 721 F.2d 1540, 1554 (Fed. Cir. 1983); see also In re Marshall, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

In view of the foregoing, it is respectfully submitted that amended independent Claims 1, 20, and 39 fully distinguish over the applied art and are thus allowable. By virtue of dependence from what is believed to be allowable independent Claims 1, 20, and 39, it is respectfully submitted that Claims 2-19, 21-38, and 40-56 are also presently allowable.

In summary, it is respectfully submitted that the instant application, including Claims 1-56, is in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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